

**SUPREME COURT MINUTES
THURSDAY, JULY 22, 2004
SAN FRANCISCO, CALIFORNIA**

S111780

H023080 Sixth Appellate District

T. (GEORGE), IN RE

Opinion filed: Judgment reversed

Opinion by Moreno, J.

--- joined by George, C.J., Kennard, Baxter,
Werdegar, Chin, & Brown, JJ.

Concurring Opinion by Baxter, J.

S117640G031262 Fourth Appellate District,
Division Three

KIRKEBY v. S.C. (FASCENELLI)

Opinion filed: Judgment reversed and remanded

Opinion by Brown, J.

--- joined by George, C.J., Kennard, Baxter,
Werdegar, Chin, & Moreno, JJ.**S120474**E031426 Fourth Appellate District,
Division TwoPEOPLE v. AMERICAN CONTRACTORS
INDEMNITY CO.

Opinion filed: Judgment affirmed in full

Majority Opinion by Brown, J.

--- joined by George, C.J., Kennard, Baxter,
Werdegar, Chin and Moreno, JJ.**S126462**E035932 Fourth Appellate District,
Division Two

MEDINA v. S.C. (PEOPLE)

Petition for review and application for stay denied

S125094A102148 First Appellate District,
Division Two

ZACK v. MARIN EMERGENCY RADIO AUTH.

Time extended to grant or deny review

to August 23, 2004.

S125165E033882 Fourth Appellate District,
Division Two

HERNANDEZ v. COUNTY OF SAN BERNARDINO

Time extended to grant or deny review

to August 25, 2004.

S125194

H025028 Sixth Appellate District

CORNISH & CAREY COMMERCIAL v. GUZIK

Time extended to grant or deny review

to August 30, 2004.

S125215B174430 Second Appellate District,
Division EightFARMERS GROUP INC. v. S.C. (FOUNTAIN PARK
COOPERATIVE INC.)

Time extended to grant or deny review

to August 30, 2004.

S125274B162176 Second Appellate District,
Division Seven

PAGE v. LOS ANGELES TIMES

Time extended to grant or deny review

to August 20, 2004.

S125395

F043071 Fifth Appellate District

SWEAT v. BIG TIME AUTO RACING INC.

Time extended to grant or deny review

to September 2, 2004.

S125484G031082 Fourth Appellate District,
Division ThreeMESA VISTA SOUTH TOWNHOME ASSOCIATION
v. CALIFORNIA PORTLAND CEMENT CO.

Time extended to grant or deny review

to September 9, 2004.

S062259

PEOPLE v. SCULLY (ROBERT W.)

Extension of time granted

to September 27, 2004 to request correction of the record in the superior court. After that date, only one further extension totaling about 35 additional days will be granted. Extension is granted based upon Senior Deputy State Public Defender Margot Garey's representation that she anticipates filing that request by 11/1/2004. Counsel for appellant is ordered to serve a copy of the record correction motion on this court upon its filing in the superior court.

S066527

PEOPLE v. LINDBERG (GUNNER J.)
Extension of time granted

to September 24, 2004 to file appellant's opening brief. After that date, only two further extensions totaling about 90 additional days will be granted. Extension is granted based upon Deputy State Public Defender Ronald Turner's representation that he anticipates filing that brief by 12/22/2004.

S076999

PEOPLE v. SOUZA (MATTHEW A.)
Extension of time granted

to October 14, 2004 to file appellant's opening brief. After that date, only two further extensions totaling about 120 additional days are contemplated. Extension is granted based upon counsel C. Delaine Renard's representation that she anticipates filing that brief by 2/2005.

S124694

F044922 Fifth Appellate District

JOHNSON (HERMAN THOMAS) ON H.C.
Order filed

The order filed on July 14, 2004, denying the petition for review is amended to reflect the above-captioned corrected Court of Appeal district and number.

S117527

SUSPENSION OF ATTORNEYS PURSUANT TO
RULE 962 CALIFORNIA RULES OF COURT
Order filed

Having been provided proof of compliance pursuant to Family Code 17520, the suspension of **Ronald L. Miller** pursuant to our order filed on June 23, 2004, is hereby terminated. This order is final forthwith.

S124619**BORNE ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **EDGAR L. BORNE III, State Bar No. 87315**, be suspended from the practice of law for two years and until he provides proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation, including 90 days actual suspension, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on March 11, 2004. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in equal installments for membership years 2005 and 2006.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S124627**WRIGHT ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **RICHARD LYLE WRIGHT, State Bar No. 200478**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for six months, as recommended by the Hearing Department of the State Bar Court in its decision filed on March 25, 2004, and until the State Bar Court grants a motion to terminate his

actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. **Richard Lyle Wright** is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If **Richard Lyle Wright** is actually suspended for two years or more, he must remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that **Richard Lyle Wright** take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that **Richard Lyle Wright** comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.
*(See Bus. & Prof. Code, § 6126, subd. (c).)

S124654

HARRISON ON DISCIPLINE
Recommended discipline imposed

It is ordered that **JOHNNIE S. HARRISON, JR., State Bar No. 64179**, be suspended from the practice of law for three years and until he has shown proof satisfactory to the State Bar Court of respondent's rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on

probation for three years on condition that he be actually suspended for 18 months and until he has shown proof satisfactory to the State Bar Court of respondent's rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Respondent is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on March 26, 2004 . It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Respondent is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.
*(See Bus. & Prof. Code, § 6126, subd. (c).)

S126159

WEST ON RESIGNATION

Resignation accepted with disc. proceeding pending

The voluntary resignation of **ARLENE ANNE WEST, State Bar No. 46145**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should she hereafter seek reinstatement. It is ordered that she comply with rule 955 of the California Rules of Court and that she perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.
*(See Bus. & Prof. Code, § 6126, subd. (c).)

S126319**FLETCHER ON RESIGNATION**

Resignation accepted with disc. proceeding pending

The voluntary resignation of **PATRICK W. FLETCHER, State Bar No. 200602**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S126323**ARNOLDINI ON RESIGNATION**

The voluntary resignation of **MARTIN D. ARNOLDINI, State Bar No. 109531**, as a member of the State Bar of California is accepted.

S126324**BAKER ON RESIGNATION**

The voluntary resignation of **BRENDA ELIZABETH BAKER, State Bar No. 124096**, as a member of the State Bar of California is accepted.

S126325**BOSCHMA ON RESIGNATION**

The voluntary resignation of **JERROLD BARTH BOSCHMA, State Bar No. 93398**, as a member of the State Bar of California is accepted.

S126327**HINNEN ON RESIGNATION**

The voluntary resignation of **NANCY P. HINNEN, State Bar No. 172936**, as a member of the State Bar of California is accepted.

S126328

HOPKINS ON RESIGNATION

The voluntary resignation of **KENNETH N. HOPKINS, State Bar No. 119208**, as a member of the State Bar of California is accepted.

S126329

HOYE ON RESIGNATION

The voluntary resignation of **JUDITH E. HOYE, State Bar No. 147001**, as a member of the State Bar of California is accepted.

S126330

WILLS ON RESIGNATION

The voluntary resignation of **JEROME J. WILLS, State Bar No. 25351**, as a member of the State Bar of California is accepted.